



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

APR 03 2012

The Honorable Sam Brownback
Governor of Kansas
300 SW 10th Street
Topeka, Kansas 66612

OFFICE OF
THE REGIONAL ADMINISTRATOR

Dear Governor Brownback:

The U.S. Environmental Protection Agency is considering proposing the Former United Zinc & Associated Smelters site on the National Priorities List, pursuant to its authority under Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act as amended, 42 U.S.C. Section 9605. The NPL contains a list of high priority sites with releases of hazardous substances, pollutants or contaminants that require long-term remedial evaluation and response. It is the EPA's policy to determine the state's position on sites that the agency is considering for placement on the NPL. With this letter, the EPA is seeking the concurrence of the state of Kansas to add the site to the NPL.

The site is located in and around the city of Iola, Allen County, Kansas, west of Highway 169, but excludes any areas that are currently known to be uncontaminated or that are being addressed by other State Response Programs. Contamination related to associated smelters extends into numerous residential properties stretching westward from Highway 169 along both sides of Highway 54. These smelters operated in the area primarily between 1902 to 1925. Previous investigations by the EPA and Kansas Department of Health and Environment have identified elevated levels of lead at former smelter facilities and in the surrounding residential, commercial and school properties. The main Former United Zinc facility is located on the east side of Iola, within a mixture of residential and commercial properties. To date, the EPA has sampled 1,686 out of approximately 3,400 residential yards. Of the 1,686 residential yards sampled, approximately 530 had elevated levels of lead above 400 parts per million. The EPA has excavated approximately 130 residential yards with lead levels above 800 ppm and replaced the contaminated soils with clean backfill soils followed by reestablishment of a grass residential yard.

The EPA is committed to working cooperatively with the State and local community throughout the NPL listing and subsequent Superfund cleanup processes, and to ensure that the EPA's actions are conducted in a transparent manner. The EPA received a letter on January 11, 2012, from the city of Iola stating their support of adding the site on the NPL. For an EPA fund-financed remedial action, the EPA and the State will collaborate in the development of a Superfund state contract to provide the State assurance required by CERCLA, including, for example, the state's statutory cost share for the remedial action and assumption of operation and maintenance responsibilities.

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Superfund



We will continue to work closely with and seek input from the State and the city of Iola as the listing process proceeds. The EPA is requesting a written response to this letter from your office within six weeks from the date of this letter. The response letter should indicate whether the State supports placement of the site on the NPL. We appreciate your consideration of this matter. If additional information is needed, please call me at (913) 551-7006 or your staff may wish to contact Sarah Hatch, State Governmental Liaison, at (913) 551-7199.

Sincerely,


Karl Brooks

cc: Mr. John Mitchell, Director
Division of the Environment, KDHE

bcc: Mr. James Woolford, Director
Office of Superfund Remediation and Technology Innovation